

ESTTA Tracking number: **ESTTA273460**Filing date: **03/20/2009**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	L'Oreal		
Entity	Soci�t� Anonyme	Citizenship	France
Address	14 rue Royale Paris, 75008 FRANCE		

Attorney information	Robert L. Sherman Paul, Hastings, Janofsky & Walker 75 East 55th Street New York, NY 10022 UNITED STATES rls@paulhastings.com Phone:212-318-6000
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Registration Subject to Cancellation

Registration No	3045955	Registration date	01/17/2006
Registrant	Nedboy, Robin L Suite 2320 60 East 42nd Street New York, NY 10165 UNITED STATES		

Goods/Services Subject to Cancellation

Class 003. First Use: 2002/02/01 First Use In Commerce: 2002/02/01

All goods and services in the class are cancelled, namely: Non-medicated skin care preparations, namely, anti-aging cream, anti-wrinkle cream, astringent for cosmetic purposes, body cream, body emulsion, body lotion, body milk, body oil, body scrub, body spray, exfoliants for skin, eye cream, eye gel, facial cleanser, facial cream, facial emulsions, facial masks, facial scrub, hand cream, hand lotion, hand soap, moisturizing milks, non-medicated body soak, non-medicated foot cream, shower gel, skin clarifiers, skin cleansers, skin cleansing cream, skin cleansing lotion, skin conditioners, skin cream, skin emollients, skin lotion, skin masks, skin moisturizer, skin soap, skin toner, soap for cosmetic purposes; Shaving preparations, namely, shaving balm, shaving cream, shaving foam, shaving gel, shaving lotion, shaving soap, after-shave gel, after-shave lotion; Bath additives, namely, bath beads, bath crystals, bath foams, bath gels, bath milk, bath oils, bath pearls, bubble bath, non-medicated bath salts; Fragrances, namely, essential oils for personal use, potpourri, scented linen sprays, scented room sprays, perfume, eau de toilette; Non-medicated hair care preparations, namely, hair conditioners, hair dressings for men, hair emollients, hair gel, hair mousse, hair pomades, hair rinses, hair shampoo, hair spray, hair styling preparations; Household cleaning preparations, namely, dish detergents, laundry detergents, glass cleaning preparations, cleaner for use on countertops

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	LA PARISIENNE - Petition to Cancel.pdf (4 pages)(181924 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/rls/
Name	Robert L. Sherman
Date	03/20/2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Registration No. 3,045,955
For the Mark: LA PARISIENNE
Registered on January 17, 2006

L'Oreal

Petitioner,

v.

Robin L. Nedboy,

Registrant.

Cancellation No. _____

Petition for Cancellation

L'Oréal ("L'Oréal" or "Petitioner") believes that it is and will continue to be damaged by the continued registration of the mark LA PARISIENNE, U.S. Registration No. 3,045,955 (the "Registration") in International Class 3 for "Non-medicated skin care preparations, namely, anti-aging cream, anti-wrinkle cream, astringent for cosmetic purposes, body cream, body emulsion, body lotion, body milk, body oil, body scrub, body spray, exfoliants for skin, eye cream, eye gel, facial cleanser, facial cream, facial emulsions, facial masks, facial scrub, hand cream, hand lotion, hand soap, moisturizing milks, non-medicated body soak, non-medicated foot cream, shower gel, skin clarifiers, skin cleansers, skin cleansing cream, skin cleansing lotion, skin conditioners, skin cream, skin emollients, skin lotion, skin masks, skin moisturizer, skin soap, skin toner, soap for cosmetic purposes; Shaving preparations, namely, shaving balm, shaving cream, shaving foam, shaving gel, shaving lotion, shaving soap, after-shave gel, after-shave lotion; Bath additives, namely, bath beads, bath crystals, bath foams, bath gels, bath milk, bath oils, bath pearls, bubble bath, non-medicated

bath salts; Fragrances, namely, essential oils for personal use, potpourri, scented linen sprays, scented room sprays, perfume, eau de toilette; Non-medicated hair care preparations, namely, hair conditioners, hair dressings for men, hair emollients, hair gel, hair mousse, hair pomades, hair rinses, hair shampoo, hair spray, hair styling preparations; Household cleaning preparations, namely, dish detergents, laundry detergents, glass cleaning preparations, cleaner for use on countertops,” in the name of registrant Robin L Nedboy, Inc. (“Nedboy” or “Registrant”), and hereby petitions to cancel same, by and through its undersigned attorneys, on the following grounds:

1. L’Oréal is a French société anonyme having a place of business at 14 rue Royale, Paris, France 75008.

2. L’Oreal and related companies are now, and for many years past have been, engaged in the production, distribution, marketing and sale of a wide variety of cosmetics, fragrances, skin care and hair care products, among others.

3. Petitioner has a bona fide intent to use the mark LA PARISIENNE in connection with goods in International Class 3, among which may be fragrances, cosmetics, and/or skincare products, and intends to file an application for the mark LA PARISIENNE for goods in International Class 3 and believes that application will be refused registration in view of the Registration.

4. On information and belief, Nedboy is an individual with a New York, NY address.

5. On information and belief, Nedboy is the owner of the Registration for “Non-medicated skin care preparations, namely, anti-aging cream, anti-wrinkle cream, astringent for cosmetic purposes, body cream, body emulsion, body lotion, body milk, body oil, body scrub, body spray, exfoliants for skin, eye cream, eye gel, facial cleanser, facial cream, facial emulsions, facial masks, facial scrub, hand cream, hand lotion, hand soap, moisturizing milks, non-medicated body

soak, non-medicated foot cream, shower gel, skin clarifiers, skin cleansers, skin cleansing cream, skin cleansing lotion, skin conditioners, skin cream, skin emollients, skin lotion, skin masks, skin moisturizer, skin soap, skin toner, soap for cosmetic purposes; Shaving preparations, namely, shaving balm, shaving cream, shaving foam, shaving gel, shaving lotion, shaving soap, after-shave gel, after-shave lotion; Bath additives, namely, bath beads, bath crystals, bath foams, bath gels, bath milk, bath oils, bath pearls, bubble bath, non-medicated bath salts; Fragrances, namely, essential oils for personal use, potpourri, scented linen sprays, scented room sprays, perfume, eau de toilette; Non-medicated hair care preparations, namely, hair conditioners, hair dressings for men, hair emollients, hair gel, hair mousse, hair pomades, hair rinses, hair shampoo, hair spray, hair styling preparations; Household cleaning preparations, namely, dish detergents, laundry detergents, glass cleaning preparations, cleaner for use on countertops.”

6. The Registration creates an impression that Registrant uses LA PARISIENNE as a trademark and has exclusive rights to use of that mark.

7. On information and belief, Registrant has abandoned LA PARISIENNE, the mark that is the subject of the Registration. As a result, Registrant is not entitled to continued registration thereof pursuant to 15 U.S.C. § 1064(3).

8. On information and belief, Registrant has never used the mark LA PARISIENNE in commerce on all of the goods listed in the Registration.

9. On information and belief, Registrant has not made trademark use of the mark in connection with any goods or services in commerce for years.

10. As a result, Petitioner will be damaged if Registrant is permitted to maintain the Registration in that Registrant will appear to have exclusive rights to the mark LA PARISIENNE for the goods listed in the Registration, thus preventing Petitioner from using or

registering the mark LA PARISIENNE in connection with goods in International Class 3, including fragrances, cosmetics, and skincare products.

11. Continuation of the Registration on the Principal Register would be in derogation of Petitioner's right to use and register Petitioner's Marks.


WHEREFORE, Petitioner believes that it will be damaged by continued registration of U.S. Registration No. 3,045,955 in Class 3 on the Principal Register, within the meaning of 15 U.S.C. § 1064, and requests that this petition be sustained and that said registration be cancelled.

The filing fee for this petition in the amount of \$300.00 may be withdrawn from the deposit account of the undersigned, Account No. 502670..

Dated: March 20, 2009

Respectfully submitted,

PAUL, HASTINGS, JANOFSKY
& WALKER LLP

By: 

Robert L. Sherman
Lisa M. Willis

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